

IC 33-21

ARTICLE 21. ATTORNEYS AND THE PRACTICE OF LAW

IC 33-21-1

Chapter 1. Practice of Law by Attorneys

IC 33-21-1-1

Oath

Sec. 1. Every person, before proceeding to discharge the duties of an attorney, shall take an oath to support the Constitution of the United States and of this state, and that he will faithfully and honestly discharge the duties of an attorney-at-law; which oath shall be entered in the order-book of the court.

As added by P.L.1-1998, SEC.60.

IC 33-21-1-2

Court list of attorneys

Sec. 2. At each term of the court, the clerk shall furnish the court with a list of the names of all the attorneys having business in such court.

As added by P.L.1-1998, SEC.60.

IC 33-21-1-3

Duties

Sec. 3. It shall be the duty of an attorney:

- (1) To support the Constitution and laws of the United States and of this state.
- (2) To maintain the respect that is due to the courts of justice and judicial officers.
- (3) To counsel or maintain such actions, proceedings or defenses only as appear to him legal and just; but this section shall not be construed to prevent the defense of a person charged with crime, in any case.
- (4) To employ for the purpose of maintaining the causes confided to him, such means only as are consistent with truth, and never seek to mislead the court or jury by any artifice or false statement of fact or law.
- (5) To maintain inviolate the confidence, and, at every peril to himself, to preserve the secrets of his client.
- (6) To abstain from all offensive personality, and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged.
- (7) Not to encourage either the commencement or the continuance of an action or proceeding from any motive of passion or interest.
- (8) Never to reject, from any consideration personal to himself, the cause of the defenseless or oppressed.
- (9) To promptly account to and pay over to a client any moneys coming into the hands of the attorney and to which the client is

lawfully entitled.

(10) To abstain from direct or indirect solicitation of employment to institute, prosecute, or defend against any claim, action or cause of action.

As added by P.L.1-1998, SEC.60.

IC 33-21-1-4

Authority

Sec. 4. An attorney has authority, until discharged or superseded by another:

(1) To bind his client in an action or special proceeding, by his agreement, filed with the clerk, or entered upon the minutes of the court, and not otherwise.

(2) To receive money claimed by his client in an action or special proceeding, during the pendency thereof or afterwards, and, upon the payment thereof, and not otherwise, to discharge the claim, or acknowledge satisfaction of the judgment.

As added by P.L.1-1998, SEC.60.

IC 33-21-1-5

Written authority of party prerequisite to certain judgments

Sec. 5. No judgment shall be rendered against any party upon the agreement of an attorney, nor any judgment by default, where the party has not been notified, or personally entered his appearance, unless the written authority of the party be first produced, and its execution proved to the satisfaction of the court.

As added by P.L.1-1998, SEC.60.

IC 33-21-1-6

Requiring attorney to prove authority

Sec. 6. The court or judge may, on motion of either party, and on showing reasonable ground therefor, or without such motion, require an attorney to produce and prove the authority under which he appears, and until he does so, may stay all proceedings by him on behalf of the party for whom he assumes to appear.

As added by P.L.1-1998, SEC.60.

IC 33-21-1-7

Appearance of attorney without authority; relief of party

Sec. 7. If it be alleged by a party for whom an attorney appears, that he does so without authority, the court may, at any stage of the proceedings, relieve such party from the consequences of the attorney's act. It may, also, summarily, upon motion, compel the attorney to repair the injury consequent upon his assumption of authority.

As added by P.L.1-1998, SEC.60.

IC 33-21-1-8

Deceit or collusion

Sec. 8. An attorney who is guilty of deceit or collusion, or consents thereto, with intent to deceive a court or judge or a party to an action

or judicial proceeding, commits a Class B misdemeanor, and he shall also forfeit to the party injured treble damages, recoverable in a civil action.

As added by P.L.1-1998, SEC.60.

IC 33-21-1-9

Refusal to deliver over money or papers; contempt

Sec. 9. When an attorney, on request, refuses to deliver over money or papers to a person from whom or for whom he has received them, in the course of his professional employment, whether in an action or not, he may be required, after reasonable notice, on motion of any party aggrieved, by an order of the court in which an action, if any, was prosecuted or if no action was prosecuted, then by the order of any court of record, to do so, within a specified time, or show cause why he should not be punished for contempt.

As added by P.L.1-1998, SEC.60.

IC 33-21-1-10

Suspension of attorney from practice; additional remedies

Sec. 10. In cases contemplated in section 9 of this chapter, on such motion, or in an action brought by the party aggrieved, the court may suspend the attorney from practice in any of the courts of this state, for any length of time, in its discretion; judgment may also be rendered for the amount of money withheld, deducting fees, if any are due, and costs paid by the attorney, with ten percent (10%) damages, which may be enforced by execution, without the benefit of stay or appraisal laws, and returnable within thirty (30) days. The court may also render any judgment and make any order respecting papers or property withheld, that may be necessary to enforce the right of the party aggrieved, subject to any liens the attorney may have thereon for fees.

As added by P.L.1-1998, SEC.60.